



North Coast Regional Water Quality Control Board

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
RELATING TO VIOLATIONS OF NPDES PERMIT NO. CA0024333**

Order No. R1-2019-0018

UC Davis Bodega Marine Laboratory
Seawater System
Order No. R1-2013-0023
NPDES No. CA0024333
WDID No. 1B8403350SON

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Board, the UC Davis Bodega Marine Laboratory (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board with jurisdiction over the facility to dispute the allegations of violations described in the Compilation of Violations, which is attached hereto as Attachment A and incorporated herein by reference.

The Permittee agrees that the Attachment A shall serve as an Administrative Civil Liability (ACL) Order pursuant to Article 2.5 of the Water Code and that no separate ACL Complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as indicated on the attached Attachment A under "Expedited Payment Amount" (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the Attachment A.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Attachment A.

DAVID NOHEN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Claudia Villacorta, Assistant Executive Officer
California Regional Water Quality Control Board, North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27, subdivision (d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount Offer, the settlement to resolve the violations set forth in the Attachment A may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board. For such a hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, the full payment required by the deadline indicated in the invoice to follow is a condition of this Acceptance and Waiver. The payment period is thirty (30) days. The Permittee shall pay the Expedited Payment Amount of **\$3,000.00** by check payable to the SWRCB Cleanup and Abatement Account referencing "R1-2019-0018" and send to the State Water Resources Control Board, Division of Administrative Services, Accounting Branch, in full. The payment shall be submitted to State Water Resources Control Board, Division of Administrative Services, Accounting Branch, 1001 I Street, 18th Floor, Sacramento, CA, 95814.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

UC Davis Bodega Marine Laboratory

(Name of Permittee)

By: 

(Signed Name)

2/12 2019

(Date)

PATRICK Helbling

(Printed or typed name)

ASSOCIATE DIRECTOR

(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: _____

Matthias St. John
Executive Officer

Attachment A

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1030463	03/21/2017	Bis (2-Ethylhexyl)phthalate	Group II	30-Day Average	3.5	16	ug/L	N		357%	08/22/2016	Serious	N/A	Y	13385(h)	\$ 3,000

Total Penalty: \$ 3,000

- 1 - Violation occurs on sample date or last date of averaging period.
- 2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more
 - For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more
- 3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation period August 1, 2012, through October 31, 2018

Group I Violations Assessed MMP: 0

Group II Violations Assessed MMP: 1

Other Effluent Violations Assessed MMP: 0

Violations Exempt from MMP: 0

Total Violations Assessed MMP: 1

Mandatory Minimum Penalty = (1 Serious Violations + 0 Non-Serious Violations) x \$3,000 = \$3,000